

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

SERGIO CHAVOYA ROBRES,

Petitioner,

v.

B. BIRKHOLZ,

Respondent.

No. CV 23-08565-KK (DFM)

Order Accepting Report and
Recommendation of
United States Magistrate Judge

Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings and all the records and files herein, along with the Report and Recommendation of the assigned United States Magistrate Judge. No objections to the Report and Recommendation have been filed. In addition, the Court deems Petitioner's failure to file an Opposition to Respondent's Motion to Dismiss ("Motion") consent to the granting of the Motion. See L.R. 7-12 ("[F]ailure to file any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion."). The Court thus accepts the findings, conclusions, and recommendations of the United States Magistrate Judge.

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IT IS THEREFORE ORDERED that Judgment be entered granting Respondent's Motion to Dismiss and dismissing the Petition without prejudice for failure to exhaust administrative remedies.

A handwritten signature in black ink, appearing to read 'Kenly Kato', with a long, sweeping horizontal stroke extending to the right.

Date: March 15, 2024

KENLY KIYA KATO
United States District Judge